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§ 189-1. Purpose.

- **A.** It is the purpose of this chapter to regulate timber harvesting practices and to allow for and encourage proper forest management within Lower Paxton Township to ensure that:
 - 1. Long-term production of timber crops is encouraged;
 - 2. The right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners; and
 - 3. The potential for negative environmental impacts resulting from improper tree harvesting is minimized.
- **B.** This chapter is not intended to prevent or hinder any landowner from realizing financial return from the sale of trees or to prevent or hinder tree harvesting or forest industry operators from pursuing their business within this jurisdiction.

§ 189-2. Definitions; word usage.

- **A.** For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is mandatory and not merely directory.
- **B.** As used in this chapter, the following terms shall have the meanings indicated:

ADVANCED REGENERATION -- The presence of new trees of desirable commercial species at least four feet in height.

BASAL AREA -- The cross-sectional area of trees calculated in square feet per acre as measured at the DBH using a calibrated prism or angle gauge.

CLEAR CUT -- The felling of substantially all trees on a tract of land, or portion thereof.

CORD -- One hundred twenty-eight cubic feet of wood, bark and space.

DBH -- The diameter of a tree at breast height, measured 4.5 feet from the ground surface.

DIAMETER LIMIT HARVESTING -- The harvesting of trees greater than a given diameter. Trees below a given diameter are not cut regardless of quality.

FELLING -- The act of cutting a standing tree so that it falls to the ground.

INTERMITTENT STREAM -- A stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major storm events.

LANDING -- Place where logs are assembled for transportation in loads.

LOGGING PLAN -- A written description with a map of specific logging operation prepared before the operation commences.

LOPPING -- To cut tops and slash into smaller pieces to allow material to settle close to the ground.

OPERATOR -- The individual, partnership, company, firm, association or corporation engaged in the harvest of timber, including his agents or subcontractors or employees.

OWNER -- The individual, partnership, company, firm, association or corporation which holds title to standing timber and to the land on which it is situated, including his agents or subcontractor or employees.

PERENNIAL STREAM -- A stream whose water flow normally occurs year round.

SAW TIMBER -- Trees that are 12 inches or larger DBH.

SELECTIVE HARVESTING -- The harvesting of individual preselected trees of a certain age or species within a forest composed of many species and ages.

SKIDDING -- Dragging trees on the ground, by any means, from the stump to the landing.

SLASH -- Debris left after logging, including logs, chunks, bark, branches, stumps and broken understory trees or brush.

STREAM -- Any channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

TREE HARVESTING (also TIMBER HARVESTING/LOGGING) -- The cutting down and removal of trees and logs to be converted to any forest product or for sale to others.

TOPS -- The upper portion of a felled tree not merchantable because of small size, taper or defect.

TOWNSHIP -- Lower Paxton Township.

§ 189-3. Permitted use.

Timber harvesting is a permitted use in all zoning districts within the township.

§ 189-4. Applicability.

- **A.** The provisions of this chapter shall apply to all timber harvesting operations within the township except as provided in Subsection B.
- **B.** The provisions of this chapter shall not apply to the harvesting of wood for personal use by the property owner and his or her family.
- **C.** Notification, submission of plans and requirements for plan approval shall apply only as outlined in § 189-6E and F.

§ 189-5. Responsibility.

It shall be the responsibility of each landowner on whose land tree harvesting is to be carried out to develop or have developed the logging plan and to submit notification as required in this chapter. It shall be the joint responsibility of the landowner and the operator to see that the provisions of the logging plan are implemented.

§ 189-6. Plan requirements.

- **A.** A logging plan shall be prepared for each tree harvesting operation within the township.
- **B.** Such plan will address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act).
- **C.** Points that shall be addressed by the logging plan include the following as a minimum:
 1. Design of the road system.

2. Water control structures.
 3. Stream crossings.
 4. Log landings.
 5. Haul roads, skid roads and skid trails.
 6. Maintenance.
 7. Road use.
 8. Road and log landing retirement.
 9. The general location of the anticipated operation in relation to municipal and state highways, including ingress and egress.
 10. The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area.
 11. The harvesting method to be employed.
 12. The total existing basal area.
- **D.** The plan shall be available at the timber harvesting site.
 - **E.** For all tree harvesting operations that are expected to exceed five acres, the Township Planning and Zoning Officer shall be notified at least five working days before the beginning of the operation and within five days before or after the date of completion.
 - **F.** A copy of the tree harvesting plan shall be submitted to the township not less than 30 days before any operation commences that will exceed 25 acres.
 1. The plan shall be reviewed by the Township Planning and Zoning Officer and the Township Shade Tree Commission, which review may include an inspection of the site of the proposed operation.
 2. Within 30 days of the date the township receives a plan, the Planning and Zoning Officer shall provide the landowner a written approval of the logging plan as submitted, or a written disapproval. A disapproval shall include a list of the additions or corrections that are necessary to have the plan approved.
 3. No harvesting operation expected to exceed 25 acres shall commence unless or until a tree harvesting plan has been completed and approved.
 - **G.** The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the operation.

§ 189-7. Operational requirements.

The following requirements shall govern all timber harvesting activity:

- **A.** The boundaries of the area to be harvested shall be clearly marked by attaching posters to the boundary trees prior to the harvest in order to avoid the inadvertent harvest of off-site trees.
- **B.** Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the township or the Pennsylvania

Department of Transportation, whichever is responsible for maintenance of said thoroughfare.

- **C.** No tops or slash shall be left within 50 feet of any public thoroughfare or adjacent property boundary where the adjacent property is developed.
- **D.** If the tract to be harvested borders a public thoroughfare or developed land, there shall be established a harvesting setback of 50 feet along said public thoroughfare and developed land. Harvesting within the setback shall be limited to 1/3 of the basal area of the saw timber in a ten-year period.
- **E.** No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.
- **F.** Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.
- **G.** All hauling roads, skid roads, skid trails and log landings shall be retired properly, including seeding of herbaceous species as recommended by the Dauphin County Conservation District or the Department of Environmental Protection, Bureau of Forestry.

§ 189-8. Harvesting methods.

- **A.** Clear cut harvesting is permitted, provided that advanced regeneration is present and no more than 25 acres or 25% of a tract of real estate, whichever is less, may be clear cut during a ten-year period. This provision does not apply to salvage operations undertaken after natural disasters.
- **B.** Selective harvesting is permitted, provided that the basal area of trees in the area harvested is not reduced below 50% of the basal area present before cutting or below 65 square feet per acre, whichever is higher.
- **C.** Diameter limit harvesting is prohibited.

§ 189-9. Hauling permit.

All operators must comply with the rules and regulations of Chapter 189, Hauling in Excess of Posted Weight Limit, issued under the Act of June 17, 1976, P.L. 162, No. 81, Sections 4902(f) and 6103 (Vehicle Code), if they are operating vehicles on highways or streets in excess of posted weight limits.

§ 189-10. Street occupation.

All operators shall comply with Chapter 176, Article , entitled "Street Excavating and Tunneling," including obtaining a permit, when undertaking any work within a township right-of-way.

§ 189-11. Enforcement.

- **A.** The Planning and Zoning Officer of the township may go upon the site of any tree harvesting operation before, during and after the active logging to review plans and other required documents to ensure that such plans and documents are in compliance with the provisions of this chapter and to ensure that the actual operation is proceeding in compliance with these plans.
- **B.** Any logging operation found to be proceeding without a logging plan as described in this chapter shall immediately cease operations and shall not resume until a plan is prepared and submitted to the Township Planning and Zoning Officer for his approval.
- **C.** When any operator is found to be violating any provision of this chapter, the Planning and Zoning Officer shall provide the operator with a written statement describing each violation and specifying a date by which corrective action must be taken. Normally, such corrective work shall be completed within seven calendar days of such written notification.
- **D.** When the Planning and Zoning Officer finds a condition in a logging operation to be causing an immediate environmental risk, he shall immediately order operations to cease and contact the Dauphin County Conservation District and request enforcement of the rules and regulations referred to under § 189-6B of this chapter.

§ 189-12. Violations and penalties.

Any person, firm or corporation who or which violates or permits a violation of this chapter, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.